



09/847,513

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/847,513

Atty. Docket No.: MBA-101

Filing Date: 05/01/2001

Art Unit: 1637

Applicants: Edward F. Delong et al.

Examiner: Teresa E. Strzelecka

Title: LIGHT-DRIVEN ENERGY GENERATION USING
PROTEORHODOPSIN

CERTIFICATE OF MAILING	
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PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Mail Stop Petition
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Sir:

In a telephone call to the Examiner of Record on December 7, 2004, inquiring about the status of the above-identified application, we learned for the first time that the Final Office Action was mailed on February 6, 2004. We never received the Final Office Action. We also never received a notice of abandonment or a customary phone call from the Examiner about the abandonment. We requested on December 7, 2004 that a copy of the Final Office Action be mailed to us.

Having not received a copy of the Final Office Action or heard from the Examiner, we called the Examiner again on December 17, 2004 and learned that 1) the application is technically abandoned due to the lack of response within six months from the mailing date of the Final Office Action; and 2) a requested copy of the Final Office Action could not be mailed because the correspondence address has not been updated. The Examiner subsequently transmitted a copy of the Final Office Action to us via facsimile.

Applicants respectfully submit that the technical abandonment was caused by the mailing mistake made by the USPTO, through no fault of the applicants. The correspondence address should have been updated as late as December 2003, per the change of correspondence address filed with the USPTO. Our office had moved from

45 CABOT AVENUE, SUITE 110
SANTA CLARA, CA 95051

to

2345 YALE STREET, SECOND FLOOR
PALO ALTO, CA 94306.

Apparently, the Final Office Action was mailed to the wrong address on February 18, 2004, despite of the correspondence address change (*see*, the attached page of IFW).

Applicants therefore respectfully request that the holding of abandonment of the above-identified application be withdrawn and that the Final Office Action be re-send to the correct correspondence address with a new mailing date.

Respectfully submitted,



Katharina Wang Schuster, Reg. No. 50,000
Attorney for the Applicants
LUMEN INTELLECTUAL PROPERTY SERVICES
2345 Yale Street, 2nd Floor
Palo Alto, CA 94306
(O) 650-424-0100 x8413 (F) 650-424-0141

Enclosure



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09/847,513 Light-driven energy generation using proteorhodopsin

Application Data	Transaction History	Image File Wrapper	Continuity Data	Published Documents	Publication Dates	Address & Attorney/Agent
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Date	Contents Description
02-18-2004	Mail Final Rejection (PTOL - 326)
02-06-2004	Final Rejection
12-08-2003	Correspondence Address Change
12-04-2003	IFW Amended case processing Complete
11-21-2003	Information Disclosure Statement (IDS) Filed
12-04-2003	Date Forwarded to Examiner
11-21-2003	Response after Non-Final Action
08-15-2003	Mail Non-Final Rejection
08-14-2003	Non-Final Rejection
05-21-2003	Date Forwarded to Examiner
05-08-2003	Response to Election / Restriction Filed
04-03-2003	Mail Restriction Requirement
08-15-2001	Information Disclosure Statement (IDS) Filed
04-02-2003	Requirement for Restriction / Election
03-21-2003	Case Docketed to Examiner in GAU
03-13-2003	Application Dispatched from OIRE
02-24-2003	Application Is Now Complete
08-06-2001	Additional Application Filing Fees
08-06-2001	CRF Disk Has Been Received by Preexam / Group / PCT
08-06-2001	Applicant has submitted a new specification to correct Corrected Papers' problems
09-12-2001	CRF Is Good Technically / Entered into Database
06-07-2001	Correspondence Address Change
05-29-2001	CRF Is Flawed Technically / Not Entered into Database
05-12-2001	IFW Scan & PACR Auto Security Review
05-01-2001	Initial Exam Team nn

to wrong address

The Patent Electronic Business Center is available to assist with PAIR questions at (866) 217-9197 (toll free) or EBC@uspto.gov.



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PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/847,513
	Filing Date	05/01/2001
	First Named Inventor	Edward F. Delong
	Art Unit	1637
	Examiner Name	Teresa E. Strzelecka
Total Number of Pages in This Submission	Attorney Docket Number	MBA-101

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Katharina Wang Schuster, Reg. No. 50,000
Signature	<i>Katharina Schuster</i>
Date	Dec. 20, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
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Signature	<i>Sylvia Wee</i>	Date	12/21/04

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